

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 22, 2009

DIVISION ONE

B212177 People (Not for Publication)
v.
Emilio Argueta

The judgment is affirmed.

Mallano, P.J.

We concur: Chaney, J.
Johnson, J.

[illegible]

The superior Court is directed to strike the 10-year sentence enhancement imposed but stayed as to count 1 pursuant to section 186.22. The sentence as to count 2 is vacated and the matter remanded for resentencing as to that count. The judgment is otherwise affirmed.

Rothschild, Acting P.J.

We concur: Chaney, J.
Johnson, J.

December 22, 2009 (Continued)

DIVISION ONE (continued)

B215116 People (Not for Publication)
v.
Joseph Steven Gonzalez

The judgment is affirmed.

Mallano, P.J.

We concur: Chaney, J.
 Johnson, J.

[illegible]

The judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.
 Chaney, J.

B209688 People (Not for Publication)
v.
David Allen Perysian & Travis Jackson Rapp

The judgment is affirmed as to defendant Perysian. Unless it has already done so, the trial court is directed to issue an amended abstract of judgment for Perysian to eliminate the reference to the Penal Code section 186.22 enhancement. The Penal Code 12022, subdivision (a)(1) enhancement on count 1 is stayed as to defendant Rapp only. The trial court is directed to issue an amended abstract of judgment for Rapp, reflecting that this enhancement is stayed. In all other respects, the judgment is affirmed as to defendant Rapp.

Mallano, P.J.

We concur: Chaney, J.
Johnson, J.

DIVISION ONE (continued)

B214242 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 B.J.

The judgment is affirmed.

Rothschild, Acting P.J.

We concur: Chaney, J.
 Johnson, J.

B216265 In re Edward Gozy (Not for Publication)
 on
 Habeas Corpus

The order is affirmed.

Rothschild, Acting P.J.

We concur: Chaney, J.
 Johnson, J.

B212598 Lowery (Not for Publication)
 v.
 Hughes

The default judgment is reversed. Hughes is awarded his costs of appeal.

Rothschild, J.

We concur: Mallano, P.J.
 Chaney, J.

DIVISION ONE (continued)

B211713 Full Throttle Films, Inc. (Not for Publication)

v.

National Mobile Television, Inc.

Wachovia Capital Finance Corporation

The superior court's September 22, 2008, order granting Wachovia Capital's application for release of levied property is reversed, and the superior court is directed to enter a new and different order denying the application without prejudice. Appellant shall recover its costs of appeal.

Rothschild, J.

We concur: Mallano, P.J.

Johnson, J.

DIVISION TWO

B216696 Los Angeles County, D.C.F.S. (Not for Publication)

v.

R.P.

The jurisdictional order is affirmed.

Chavez, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

B214672 Los Angeles County, D.C.F.S. (Not for Publication)

v.

J.C.

The jurisdictional and dispositional orders are affirmed.

Chavez, J.

We concur: Doi Todd, Acting P.J.

Ashmann-Gerst, J.

December 22, 2009 (Continued)

DIVISION TWO (continued)

B215340 People (Not for Publication)
v.
Gaeta

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

B210766 People
 v.
 Moorehead

Filed order denying petition for rehearing.

DIVISION THREE

B208613 People (Not for Publication)
v.
Daniel Wayne Rose

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (continued)

B214536 People (Not for Publication)
v.
Todd Neville Ward

The judgment is modified to specify that the \$200 restitution fine (Pen. Code, § 1202.4, subd. (b)), the suspended \$200 parole revocation restitution fine (Pen. Code, § 1202.45) and the \$20 court security fee (Pen. Code, § 1465.8, subd. (a)(1)) reflected in the abstract of judgment filed March 2, 2009, were imposed by the trial court on April 5, 2006. As so modified, the judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B214688 People (Not for Publication)
v.
Saul Mejia

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B211275 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Salvador R.

The findings and orders are affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (continued)

B205309 Hillside Home for Children (Not for Publication)
v.
State of California et al

The request for judicial notice is granted. The judgment is reversed and the matter remanded for further proceedings consistent with this opinion.
Appellant to recover costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B205312 Five Acres - The Boys' and Girls' Aid Society, etc. (Not for Publication)
v.
State of California, et al.

The judgment is reversed and remanded for proceedings consistent with this opinion. Appellant to recover costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B205311 Hathaway-Sycamores and Family Svcs. (Not for Publication)
v.
State of California, et al.

The judgment is reversed and remanded for proceedings consistent with this opinion. Appellant to recover costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (continued)

B216968 People (Not for Publication)
v.
Lance M.

The appeal is dismissed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FIVE

B218511 People (Not for Publication)
v.
Alexander Vasquez

The appeal is dismissed.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

B207182 People (Certified for Publication)
v.
Clifford Johnson

The judgment is affirmed.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

DIVISION FIVE (continued)

B211850 People (Certified for Partial Publication)
v.
David Franco

Defendant's conviction under section 11366 on count 3 is reversed. The matter is remanded to the trial court for further proceedings consistent with this opinion. In all other respects, the judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

B212957 Jerry T. Hopkins (Not for Publication)
v.
The Mega Life and Health Insurance Company, et al.

The judgment is affirmed. Costs on appeal are awarded to MEGA, NASE, and Bauer.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B214415 Sheram A. Messehian (Not for Publication)
v.
Superior Court, Los Angeles County
(James T. Neavitt, r.p.i.)

The oral September 8, 2008 and written October 10, 2008 contempt orders are annulled. All parties are to bear their own costs in connection with these certiorari proceedings.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

December 22, 2009 (Continued)

DIVISION FIVE (continued)

B208908 People
v.
Omar Jefferson et al

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SIX

B218338 J.C. (Not for Publication)
v.
Santa Barbara Superior Court
(Santa Barbara County Child Welfare Services, r.p.i.)

The petition is dismissed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B218338/ Daniel Codner, et al. (Not for Publication)
B202091 v.
John Steveson Wills
In-n-Out Burgers

The judgment is affirmed. The Codners shall recover costs on appeal.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SIX (continued)

B209112 People (Not for Publication)
v.
Melendez, et al.

The judgment is affirmed as to Nieto. With respect to Melendez and Velasquez, we affirm the judgments of conviction but strike the firearm enhancements (§ 12022.5, subs. (a) - (d)) and the gang enhancements (§ 186.22, subd. (b)(1)(B)) on counts 4 and 5 for assault with a firearm. The judgment is modified to reflect that four year sentences were imposed on counts 4 and 5 for assault with a firearm, that no enhancements were imposed on those counts, and that the four-year sentences were stayed pursuant to section 654. The total aggregate sentence remains the same: 130 years to life for Melendez and 153 years to life for Velasquez. The trial court is directed to amend the abstract of judgments as to Melendez and Velasquez and to forward certified copies to the Department of Corrections and Rehabilitation.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B213273 People (Not for Publication)
v.
Macias

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B209776 Daniel Carnahan, et al.
v.
Bonnie Stephenson, et al.

Filed order denying petition for rehearing.

DIVISION SIX (continued)

B209906 Thomas Saby, et al.
v.
Debra Louks

Filed order denying petition for rehearing.

DIVISION EIGHT

B212163 People (Not for Publication)
v.
Herbert Messing

The judgment is affirmed.

Mohr, J. (Assigned)

We concur: Rubin, Acting P.J.
Bigelow, J.

B209327 Oliver (Not for Publication)
v.
Nicole G.

The judgment is affirmed. Respondent is entitled to recover his costs in this appellate proceeding.

Mohr, J. (Assigned)

We concur: Flier, Acting P.J.
Bigelow, J.

DIVISION EIGHT (continued)

B211629 Mascorro (Not for Publication)
 v.
 Brown

The judgment is affirmed. The Attorney General is to recover his costs on appeal.

Mohr, J. (Assigned)

We concur: Flier, Acting P.J.
 Bigelow, J.

B214710 People (Not for Publication)
 v.
 S.B.

The order declaring appellant a ward of the court is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
 Bigelow, J.

B210009 People (Not for Publication)
 v.
 Pickens

The order is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
 Mohr, J. (Assigned)

DIVISION EIGHT (continued)

B208116 People (Not for Publication)
v.
Molina

The judgment is affirmed.

Mohr, J. (Assigned)

We concur: Rubin, Acting P.J.
Flier, J.

B212347 Washington Mutual Bank
v.
Scott Jacoby
State Farm General Insurance Company

Filed order certifying opinion for publication.